REMARKS

The Examiner's recognition of Applicants' invention by the indication of allowable subject matter for claims 3, 5-12 and 15-19 is gratefully acknowledged.

Claim 1 is amended to more particularly point out that the inlet diverter wall intersects the inlet axis at an acute angle, a feature originally recited in claim 2, now cancelled, and that the inlet diverter wall intercepts fluid flowing into the tank through the inlet along the inlet axis and re-directs the fluid in the direction of the longitudinal axis, as shown in Fig. 3.

Claim Rejection under 35 USC § 103

Claims 1, 4, 13 and 14 were rejected under 35 U.S.C. § 103 as unpatentable over United States Patent No. 4,287,945, issued to Hessari in 1981.

Hessari describes a heat exchanger that includes an inlet port 1 in Figs. 1 and 2. The medium enters the inlet port in the direction of arrow 2, col. 3, lines 15-16. As can be seen in the Figs., the flow is parallel to the longitudinal axis of the tank. In contrast, Applicants' invention relates to a heat exchanger having an inlet that directs fluid into the tank perpendicular to the longitudinal axis of the tank. Applicants' heat exchanger includes an end cap comprising a diverter. Fluid entering through the inlet along the inlet axis is re-directed along the longitudinal axis. Hessari does not contemplate a heat exchanger wherein the fluid enters perpendicular to the longitudinal axis of the tank, and

so does not suggest an end cap with a diverter wall to re-direct the fluid transversely so that the fluid flows along the longitudinal axis. The rejection points to Fig. 9. Fig 9 depicts a distributor tube 11 having an inlet 43 with a reduced diameter so as to restrict flow into the tube. When the tube is positioned within the tank, the fluid flow, whether inside or outside, is along the longitudinal axis. The surface does not intercept fluid flowing transverse to the longitudinal axis and re-direct it along the axis. Thus, Hessari does not show Applicants' invention.

Claim 1 is directed to Applicants' heat exchanger that includes a tank having a longitudinal axis and an inlet having an inlet axis transverse to the longitudinal axis. The claim further calls for an end cap presenting an inlet diverter wall that intersects the inlet axis at an acute angle. In accordance with the claim, the diverter wall intercepts fluid flowing into the tank along the inlet axis and re-directs the fluid along the longitudinal axis. In Hessari, the inlet axis is parallel to the longitudinal axis, not transverse as called for in the claim. Thus, Hessari does not re-direct fluid from the inlet axis to the transverse longitudinal axis, and so does not teach or suggest Applicants' heat exchanger in claim 1.

Claims 4, 13 and 14 are dependent upon claim 1 and so not taught or suggested by Hessari at least for the reasons set forth with regard to that claim.

Accordingly, it is respectfully requested that the rejection of the claims based upon Hessari be reconsidered and withdrawn, and that the claims be allowed.

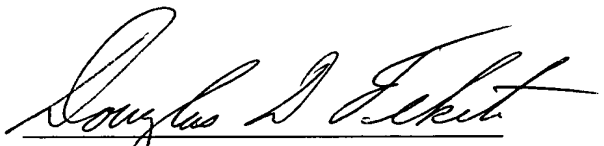
Conclusion

Claims 3, 5-12, and 15-19 were objected to as dependent upon a rejected base claim. In view of the amendments and remarks herein, it is believed that claim 1 is allowable. Accordingly, it is requested that the objection be withdrawn, and that all claims be allowed.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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